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Refugee Reports

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ADMINISTRATION ISSUES FY 91 BUDGET REQUEST, FY 90 SHORTFALLS STILL UNRESOLVED

On January 29, President George Bush revealed his $1.2 trillion budget request for FY 91, which includes $844.5 million for refugee admissions, resettlement, and overseas assistance. The budget is based on projected refugee admissions next year of 110,000.

The Office of Refugee Resettlement (ORR) in the Department of Health and Human Services has requested $368,822,000 for FY 91, the same amount that was appropriated for FY 90. The State Department's Bureau for Refugee Programs (BRP) is seeking $450,648,000 for migration and refugee assistance, an increase of nearly $61 million over this year's budget. BRP has also requested $25 million for the emergency refugee and migration assistance (ERMA) fund, which currently holds $50 million.

But before attention can turn to next year, many involved in U.S. refugee programs are saying that something must be done about a shortfall estimated at more than $100 million in the FY 90 refugee budget.

Those estimates include a $70 million shortfall in refugee processing and admissions, and a 50 million shortfall in overseas assistance. Some state service providers, moreover, suggest that federal funding for resettlement in FY 90 will fall short of needs by about $16 million.

"The FY 91 refugee budget is not perfect, but it is better than any we have seen in several years," one program veteran told Refugee Reports. "But the first priority is taking care of this year's budget needs, on both the domestic and overseas sides."

Admissions Shortfall Most Acute in Soviet Program

At the annual refugee consultations between Congress and the Administration last September, Deputy Secretary of State Lawrence Eagleburger said, "We realize there is a funding gap to be closed" for refugee admissions.

Having based its initial budget request on an estimated 84,000 refugee admissions in FY 90, the Administration ultimately proposed a worldwide ceiling of 125,000, of which 111,000 were to be fully federally funded. The remaining 14,000 admissions slots

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ORR REFUGEE AND ENTRANT ASSISTANCE BUDGET, 1989 to 1991

	1989 Actual	1990 Estimated	1991 Request	Increase or Decrease 1990 to 1991
State-administered Programs*	324,851,000	285,000,000	285,000,000	Same
Voluntary agency matching grant program	15,808,000	40,000,000	40,000,000	Same
Preventive health	5,770,000	5,770,000	5,770,000	Same
Targeted assistance	34,052,000	38,052,000	38,052,000	Same
TOTAL	380,481,000	368,822,000	368,822,000	Same

* This line-item includes cash and medical assistance programs, state administration costs, and refugee social services.

STATE DEPARTMENT MIGRATION AND REFUGEE ASSISTANCE BUDGET, 1989 to 1991

	1989 Actual	1990 Estimated	1991 Request	Increase or Decrease 1989 to 1990
Refugee Admissions Program	203,727,000	176,885,000	185,220,000	+ 8,335,000
Refugee Assistance Overseas	188,338,000	168,653,000	215,200,000	+46,547,000
Other Assistance	40,600,000	35,929,000	41,700,000	+ 5,771,000
Administrative Expenses	8,000,000	8,215,000	8,528,000	+ 313,000
TOTAL	440,665,000	389,682,000	450,648,000	+60,966,000

EMERGENCY REFUGEE MIGRATION AND ASSISTANCE FUND BUDGETS, 1989 to 1991

	1989 Actual	1990 Estimated	1991 Request	Increase or Decrease 1989 to 1990
	27,000,000	49,785,000	25,000,000	-24,785,000

Source: Budget of the U.S. Government, Fiscal Year 1991.

were allocated for private sponsorship initiatives.

Of the 41,000 new refugee numbers, funded and unfunded, 34,000 went to the Soviet Union, primarily for the admission of Soviet Jews.

Eagleburger estimated that it would cost the State Department another $58 million to process and admit the additional 27,000 federally funded refugees. "The Administration is committed," he said in Senate testimony on September 15, "to working with the Appropriations Committees to find the necessary funds for the President's program."

In November, the shortfall in the admissions budget grew larger when Congress voted to remove $15 million from the State Department's migration and refugee assistance account and transfer it to ORR to supplement funds for the voluntary agency matching grant program.

In December, government sources say, the State Department twice sought the approval of the Office of Management and Budget to seek a $70 million supplemental for FY 90 refugee admissions, but twice was rebuffed.

Without additional federal funds, resettlement agencies are predicting, refugee admissions programs worldwide may cease functioning before the end of the fiscal year, but no group will be hit sooner or harder than the Soviet Jews.

"We think we will be bringing in roughly 40,000 Soviet Jews this year," Phillip Saperia, assistant executive vice president of the Hebrew Immigrant Aid Society (HIAS), told Refugee Reports. "If all of these numbers were fully funded, under normal circumstances HIAS would receive $19.6 million from the State Department for case documentation and processing. We have been told we can expect $4 million."

"With virtually all of these 40,000 people moving through the Vienna-Rome pipeline," Saperia continued, "the American Jewish Joint Distribution Committee (JDC) normally would get $33 million for care and maintenance costs--which includes housing, clothing, food, and living expenses--for an average of 75 days per person. In fact, they are getting $8 million."

Factoring in additional reductions in federal funds for travel loans and reception and placement grants, the combined shortfall for HIAS and JDC comes to $46.6 million, Saperia said.

Previously, Jewish emigres left the Soviet Union with Israeli visas and applied for U.S. refugee status in Europe. As of October 1, the United States stopped processing Soviet refugee applications in Vienna and Rome, and shifted the program to the U.S. embassy in Moscow. Some 15,000 Soviet Jewish refugees have resettled in the United States so far in FY 90, but 25,000 people remain in the Europe pipeline.

Refugee approval rates by the Immigration and Naturalization Service in Rome, which had dipped to 64 percent in March, are now at about 99 percent, Saperia said.

More than 125,000 refugee applications are on file in Moscow, and 5,000 Soviet Jews are entering Israel every month. HIAS is estimating that 40,000 Jewish refugees will need to be resettled in the United States next year, Saperia said.

"There is an awful lot of panic in the Soviet Union," Saperia said. "Historically, in periods of political instability, Jews have been victimized. People are saying, 'Get me out of here.'"

Overseas Relief Programs Face Severe Funding Crisis For the world's 15 million refugees, most of whom have no option of resettlement in another country, the agency responsible for their care and protection is in financial crisis. The UN High Commissioner for Refugees (UNHCR) is facing a "financial crisis unprecedented in the almost 40 years of its existence," said an international relief agency official in Geneva.

In addition to major cutbacks in 1989, UNHCR has carried a $40 million deficit into 1990, forcing the agency to make a $20 million across-the-board cut in programs for the first six months, the official noted, and must make additional cuts if new resources do not become available.

While the agency has made efforts to maintain subsistence levels of aid in refugee camps, officials in Geneva have said that UNHCR "has begun reducing refugee food rations in some places." (See Refugee Reports, Vol. X, Nos. 7 and 11.)

In addition to its general program deficits, UNHCR officials say that a variety of special initiatives face shortfalls totalling more than $31 million. These include implementation of the "Comprehensive Plan of Action" in Southeast Asia, assis-

RESETTLEMENT OF SOVIET JEWS, CHICAGO STYLE

About 5,000 Soviet Jews are expected to resettle in Chicago in FY 90, more than twice the level of any previous year. Refugee Reports talked with Joel Carp, assistant executive director of the Jewish Federation of Metropolitan Chicago, to find out how that agency is responding to these record-high numbers.

Since 1971, the Jewish Federation of Metropolitan Chicago has resettled about 11,000 Soviet Jews, a number which represents roughly 10 percent of the U.S. total. In the last two-and-a-half years, however, the agency's caseload has been climbing dramatically: 582 people in 1988, 1,686 in 1989, and 5,000 expected in 1990.

"We are seeing an average of 50 arrivals every three days," Carp said. "The impact on our resettlement system has been massive." To accommodate this influx, his agency has made "two major decisions":

"First, we are opening 'Shalom, The Welcome Center,' an orientation/assessment center where new arrivals will spend three days, at the end of which we will have developed a written case management plan with them."

Within one week of their arrival in Chicago, Carp explained, adult refugees will be taken by their host family to an orientation at the center, which will be based in the Chicago suburb of Skokie.

On the second and third days, the whole refugee family returns. Special schools will be set up for the children, while the adults work with a case manager and go through a series of health, social, educational, and vocational assessments to determine what services will be needed. "In order to deal with this volume," Carp said, "we have to determine quickly who needs more services, particularly emergency services, and who needs less. We're doing triage."

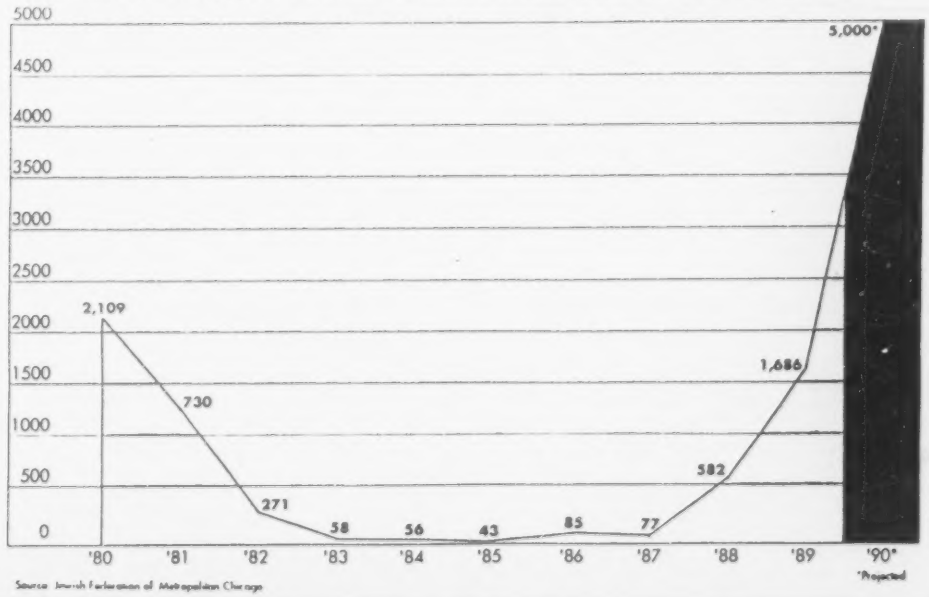
Second, in order to generate a targeted goal of $7 million toward local resettlement costs, the Jewish Federation has been asking host families and sponsors to place a sum of money, based on their income and earning capacity, into an interest-bearing account to be spent by the agency on resettlement services for their refugee relatives.

Since November, host families have contributed an average of $1,325 per refugee, and a total of more than $1.1 million, Carp said.

It will cost the Jewish Federation of Metropolitan Chicago an estimated $20.9 million to resettle 5,000 people this year. "That includes everything," Carp said, "in-kind contributions, as well as public and private funding." Federal and state funding, in the form of reception and placement grants, voluntary agency matching grants, and refugee social service contracts, will account for an estimated $4 million of the total.

"We are matching federal money at a rate of four-to-one," said Carp. "We concentrate on heavy front-loading of services as well as investing in long-term acculturation. It's expensive, but there is a payoff: after 8 to 12 months, most of our employable adults are taxpayers."

EMIGRATION OF JEWS FROM USSR TO CHICAGO



Source: Jewish Federation of Metropolitan Chicago

tance to Romanians in Hungary, and repatriation programs to Namibia, Angola, Zaire, Ethiopia, Mozambique, and El Salvador.

"This is a worldwide crisis and it will need a worldwide response," said Roger Winter, director of the U.S. Committee for Refugees, "but leadership from the United States will be needed that so far has been lacking." Winter pointed out that from 1984 to 1989, the world's refugee population increased by 67 percent from 9 million to 15 million, while U.S. expenditures for overseas refugee assistance decreased by 8 percent.

"UNHCR, the International Committee of the Red Cross, the UN Relief and Works Agency for Palestinian refugees, and other international humanitarian agencies have seen the U.S. share of program contributions drop noticeably over this period," Winter said.

Currently, in FY 90, the State Department's migration and refugee assistance (MRA) budget is $370 million, of which about $175 million is designated for refugee assistance overseas.

"Conditions in Third World refugee camps are declining," said Winter. "The cuts UNHCR has been forced to make in nutrition and medical services are significant. Preventable deaths are now occurring, which more adequate resources could avoid."

ERMA Funds are Eyed for Admissions and Assistance With OMB so far blocking any Administration request for a budget supplemental and the State Department fast running out of funds for refugee admissions, Washington sources suggest that the $50 million in the ERMA funds could be spent, at least in some part, on FY 90 admissions.

At the same time, these sources say, the State Department recognizes the crisis in refugee assistance overseas and the vital role that ERMA funds play in refugee emergencies.

"People all over the place have their eyes on ERMA," one source told Refugee Reports. "It's been spent twice over: once for admissions and once for assistance."

State Department officials would not comment on any immediate plans for the ERMA fund or the prospects for a supplemental budget request.

Supplemental is the Only Answer, Advocates Say "The only way out of this jam," said Winter, "is for Congress to approve a supplemental, with sufficient funds for admissions and assistance. The ERMA fund must be preserved to use for the type of urgent and unforeseen emergencies for which it was intended, such as responding to migration that may result from the emerging famine in Ethiopia."

"We do not have our eyes on ERMA," said Saperia. "We need to enlarge the pot, not move very limited money around. Someone is going to get hurt that way."

In a January 22 letter to President Bush, Sens. Patrick Leahy (D-Vt.) and Robert W. Kasten, Jr. (R-Wis.), said that the current refugee budget "is at least $75 million too low to meet the 125,000 admissions you have approved. The refugee assistance portion of the budget faces a $50 million shortfall. A supplemental...is essential."

Leahy and Kasten are chairman and ranking minority member, respectively, of the Foreign Operations Subcommittee of the Senate Committee on Appropriations.

New Funds for ORR Appear Unlikely The shortfall in admissions funding exists equally for ORR as it does for the State Department, local service providers say, but the prospects for an ORR supplemental seem all but hopeless. Instead, in order to contain FY 90 costs, ORR announced that federal reimbursement to states for cash and medical assistance to "categorically eligible" refugees will be reduced from 24 months to 4 months as of January 1.

Such a move will shift $85.3 million in resettlement costs to the states, according to Ron Spendal, state refugee coordinator for Oregon. These cuts still may not be enough for ORR to live with its FY 90 budget, Spendal warned, and predicted that an additional $16.3 million would be needed to meet federal obligations this year.

"The increasing burden on the state and local levels is going to prompt a backlash" against refugees," said Ed Silverman, refugee program manager in the Illinois Department of Public Aid. "It's approaching the crisis point. The Refugee Act of 1980 established a covenant, which the Reagan and Bush administrations have made efforts to back out of. In many ways, Congress has abetted it."

Update

° During the third week of January, Khmer Rouge guerrillas removed more than 4,000 Cambodian refugees from the UN-assisted camp of Borai in Thailand and relocated them across the border to Cambodia, international relief workers have told the Washington Post. Khmer Rouge leadership reportedly made the move in order to thwart UN efforts to transfer the population to Site K, a camp farther inside Thailand with better international access.

On Monday, January 22, gunfire broke out in Borai shortly after ten UN trucks had arrived to move any of the camp residents who wished to transfer to Site K, four miles away. No one got on the trucks, even though many refugees had told relief workers earlier that they wanted to make the move.

"We have evidence people were blocked from going," one relief official said.

By Wednesday, "only two-to-three hundred people were left in Borai...and they were busy dismantling the camp's houses," said Patrick van de Velde, deputy director of the UN Border Relief Operation (UNBRO). Borai, in the southern part of the Thai-Cambodian border, had held 4,400 people.

During the past year, the Khmer Rouge have allowed about 30,000 Cambodians to move from more inaccessible locations to the UN-aided camps of Site K and O'trao, according to relief workers, but they have also forced an equal number back into military bases and "repatriation villages" inside Cambodia, where the risks of malnutrition, disease, and military attack are greatly increased.

"The people are moving from a protected refugee camp to a jungle which is mined and malaria-infested," said Urs Boegli, Thailand representative for the International Committee of the Red Cross.

The Khmer Rouge, led by Pol Pot, are held responsible for the deaths of more than one million Cambodians during their short but bloody rule, before being driven out by a Vietnmese invasion in late 1978. Following a Vietnamese troop withdrawal in September 1989, the Chinese-backed Khmer Rouge have stepped up their guerrilla war against the Cambodian government in Phnom Penh.

° On January 15 and 16, the naked bodies of 11 Vietnamese women washed ashore in the coastal province of Nakhon Si Thammarat in southern Thailand, the apparent victims of a brutal pirate attack, according to the Bangkok Post. Each of the dead women, who ranged in age from 19 to 29, had a nylon rope tied around her neck. A Thai police officer said he suspected that the women had been tied together, pushed into the sea, then dragged behind the pirate's boats until they drowned. A doctor's examination showed evidence that some had been raped.

Two days later, three more bodies, also with ropes around their necks, washed onto another Thai beach 10 miles away.

Around the same time, the bodies of another 23 boat people washed ashore in northeastern Malaysia.

In 1989, 18 people died and 734 were missing due to pirate attacks in the South China Sea, according to regional reports.

° An increase in the number of Central Americans apprehended at the Texas border in the first two weeks of January--which would project to a tripling of the recent apprehension levels to about 1,000 per month--is occuring at a time when efforts appear to be underway to reduce the census of aliens in detention in south Texas.

About 60 percent of the recently apprehended Central Americans are from El Salvador, according to an INS source.

In many cases, the normally required $3,000 bonds in the Harlingen district are being dropped, and aliens are being released on their own recognizance.

When questioned about the policy at his January 18 press conference, INS Commissioner Gene McNary said, "We have let loose some administrative detainees. We can't go over capacity. We must live within our budget."

McNary insisted, however, that INS was not emptying facilities to create space for an anticipated new influx.

An INS spokesman added that bond reductions are decided on a case-by-case basis. He said that the recent release of 75 people in a single day gave the impression about a change in policy. However, he said, that overall release statistics are "the same as they have been."

A Vietnamese woman sits in the tiny space assigned her and her family in the Chi Ma Wan Detention Center, Hong Kong. Women and children make up most of Hong Kong's refugee population. *UNHCR/A. Hollmann*

Recent Developments

NO CONSENSUS ON FORCED RETURN OF VIETNAMESE

At a Geneva conference on Indochinese refugees held on January 23 and 24, the United States joined with Vietnam to block consensus on a compromise plan that would have halted the involuntary repatriation of Vietnamese asylum seekers until July 1. But as talks continue in Washington and Hanoi, British officials are insisting that forced repatriations will resume in Hong Kong, with or without U.S. agreement.

The United States, which previously had declared itself "unalterably opposed" to involuntary repatriations to Vietnam, had proposed a delay on forced returns until January 1, 1991. Vietnam had proposed a nine-month delay until October 1, with the other 27 nations that form the steering committee to implement the "Comprehensive Plan of Action" (CPA) agreeing on a postponement until July 1.

"Agreement eluded us this time," Robin McLaren, assistant undersecretary in the British Foreign Office, told UPI, "but it was not the last time. People will now go away and think again. We believe repatriation is the answer whether or not people agree to return voluntarily. The only thing to decide now is when it should begin."

McLaren suggested that the meeting had achieved one breakthrough: "We have made mandatory repatriation under safeguards including monitoring" part of the CPA, which was endorsed last June in Geneva.

State Department spokeswoman Margaret Tutwiler said the United States remained opposed to the forced repatriation of Vietnamese "in principle and in practice," but had proposed the one-year moratorium so that alternatives could be "fully

EXCERPTS FROM THE U.S. OPENING STATEMENT AT THE THIRD CPA STEERING COMMITTEE MEETING--Geneva--January 23, 1990

We are here to review the whole CPA--not just one element--and we believe that one of the most critical elements in the CPA at this time is UNHCR's lack of resources. For example, there has been a report from UNHCR in Hong Kong that it is unable to review satisfactorily all of the cases screened by the Hong Kong authorities.... Likewise, UNHCR's monitoring capability inside Vietnam is critical to the credibility of the voluntary repatriation program and needs additional resources. Every government present here must try to find the resources UNHCR needs to ensure full implementation of the CPA...

The United States position on the issue of repatration is...as follows:

--There should be full funding of the UNHCR appeal for implementing all provisions of the CPA.

--There should be full support and priority for the voluntary repatriation program.

--Vietnam should increase its processing and reception capacity for voluntary returnees, perhaps doubling it within the next four to six months.

--There should be a twelve-month moratorium beginning January 1, 1990 until December 31, 1990, after which mandatory repatriation would be allowed to go forward subject to the two other conditions set forth below:

(1) There would be no mandatory repatriation so long as there is a sufficient number of volunteers awaiting return.

(2) In accordance with the CPA, UNHCR would affirm that all provisions of the CPA are being fulfilled at each stage of the process before any mandatory return, i.e., proper screening and appeals, proper counseling on voluntary repatriation, and proper monitoring inside Vietnam.

If a consensus on these elements can be achieved, the U.S. would not block a Steering Committee consensus.... If there is no consensus...the U.S. could not support UNHCR monitoring of any mandatory returns, nor could we support international funding for actions taken outside the CPA.

tested."

In addition to the one-year delay, the U.S. delegation's opening statement, read by Senior Deputy Assistant Secretary of State Robert L. Funseth, had proposed that mandatory repatriation should not go forward "so long as there is a sufficient number of volunteers awaiting return." The U.S. proposal (see box) also would have required the UN High Commissioner for Refugees (UNHCR) to affirm that all provisions of the CPA--proper screening and appeals, proper counseling, and proper monitoring--are being fulfilled for voluntary repatriation before involuntary returns would be allowed to proceed.

More than 43,000 Vietnamese boat people have arrived in Hong Kong since June 16, 1988 when the government imposed a new screening policy, under which people approved for refugee status are allowed to seek resettlement overseas. The screened-out cases are designated as illegal immigrants, and their only alternative is to await eventual return to Vietnam.

Since the new policy was established, 7,278 people have been interviewed, with 818 screened in as refugees and 6,460 screened out, as of the end of November. About 800 Vietnamese have returned home voluntarily, and more than 2,000 have expressed an intention to do so.

During this same period, about 5,600 Vietnamese in Hong Kong have been resettled overseas.

On December 12, dissatisfied with the pace of voluntary return and resettlement, and eager to send a deterrent signal to would-be emigres still in Vietnam, Hong Kong forcibly repatriated 51 Vietnamese men, women, and children.

Following a storm of international protest, Britain postponed further returns in hopes, observers say, of reaching agreement with the United States on the issue at the steering committee meeting. Asked whether forced repatriations would be resumed immediately or held off until July 1, McClaren said, "I don't know. A decision is up to the government."

Several days after the Geneva meeting, new UN High Commissioner for Refugees Thorwald Soltenberg set out for Washington and Hanoi in search of the international consensus that so far has proven elusive.

"Whatever the outcome of these talks," Hong Kong refugee coordinator Mike Hanson told the Washington Post, "the government's policy remains that of repatriating those boat people who do not qualify for refugee status."

In a June 25 interview with a Hong Kong paper, however, Hanson suggested that additional forced returns would likely be postponed, at least until the UNHCR visits to the United States and Vietnam are concluded. "There can never be any large-scale repatriation to Vietnam," he said, "without the cooperation of the Vietnamese authorities, and that's why we need international consensus."

Women's Commission Denounces "Inhumane Conditions" in the Detention Centers

Following an eight-day visit in January to Vietnamese camps in Hong Kong, a delegation of the Women's Commission for Refugee Women and Children denounced the forced-repatriation policy and "inhumane conditions" in the detention centers. "Fear of forced return permeates the camps," the delegation said in a press release. "Children are afraid to go to sleep, fearing that their parents will be gone when they awaken."

The women's delegation, supported by the International Rescue Committee, was co-chaired by Liv Ullman, a Norwegian actress active in humanitarian issues, and Patricia Derian, former undersecretary of state for human rights and humanitarian affairs under President Jimmy Carter.

"The British are incarcerating Vietnamese boat people--most of whom are women and children--in appalling circumstances," said Susan Forbes-Martin, a member of the delegation and senior associate with the Refugee Policy Group. "They are warehoused in prisons behind barbed wire and towering concrete barriers. Living conditions are atrocious: overcrowded, overflowing sewers, many people lying side by side in tents or stacked three platforms high in large barracks. Malnutrition among children is rampant, as are a host of diseases such as scabies. Women are subject to sexual abuse and violence from both their fellow inmates and their supposed guards."

Refugees at the Whitehead Detention Center in Hong Kong protest repatriation plan. The New York Times/Marc Fallander

Meanwhile, tensions in the camps remain high. On January 16, two Vietnamese men attempted suicide by slitting their stomachs with knives while in the presence of UNHCR officials, according to a human rights lawyer in Hong Kong. They were hospitalized in serious condition.

Then on January 25, two more Vietnamese men attempted suicide in the same way, according to the South China Morning Post. They were taken to Prince of Wales Hospital; the paper said their wounds were "not serious."

With UNHCR estimating that 5,000 Vietnamese would volunteer to go home in 1990, said Chris Bale, Oxfam director in Hong Kong, a delay in mandatory repatriation seemed reasonable. To push the issue too hard and too fast, he said, given "the terrifying mood in the camps, would only be asking for a bloodbath."

MALAYSIAN PUSHBACKS TOTAL MORE THAN 3,000

In the last nine months, Malaysian coastal patrols have towed or escorted back to sea at least 3,400 Vietnamese asylum seekers, according to the UN High Commissioner for Refugees (UNHCR). Five people are known to have died, but international relief officials have expressed fear that the number could be substantially higher, given the piracy that has plagued refugee boats for the past decade in the Gulf of Thailand.

Reports of the pushbacks first surfaced in June and July 1989. Between May 25 and July 7, UN officials said, Malaysian marine police towed 16 boats, carrying nearly 900 people, into Indonesian waters.

A local representative for UNHCR was quoted as being "surprised and disappointed" with the new practice, and, in a July 17 letter to the U.S. Committee for Refugees, a senior State Department official said, "We are doing all that we can to fully investigate these reports and have raised our concerns directly with senior Malaysian officials."

By mid-August, the number of pushbacks had grown to 1,200 and, according to the Washington Post, one Vietnamese man had drowned when his boat capsized while being towed back to sea.

Then, on October 20, according to a UNHCR press release, a Greek vessel rescued a group of 62 Vietnamese drifting in a boat off the coast of Borneo and brought them to Singapore. The survivors said they had left Cuu Long in southwest Vietnam on September 1. Three days after they set out, their engine broke down and could not be repaired. By the time the boat limped into Malaysian waters around October 14, three people had died.

When the boat was approached by a Malaysian vessel, the UNHCR statement said, "An English-speaking Vietnamese asked for help, saying the boat people were starving.... The group was given 40 liters of water, 5 kilos of boiled rice, and some vegetables. They claim to have been told they would be towed to shore. A tow rope was attached to their boat, and they were towed for approximately 19 hours. The tow rope was cut without warning and the boat set adrift. Two more people, a man and a woman, died of dehydration and starvation."

Another woman, who was pregnant, died in a Singapore hospital, leaving behind a four-year-old daughter.

Pushbacks Break International Agreement to Give Temporary Refuge to All Asylum Seekers The disappointment felt by international diplomats was more acute in light of the fact that Malaysian Foreign Minister Datuk Abu Hassan Omar had chaired the international conference on Indochinese refugees in Geneva on June 13 and 14, where participants had pledged, among other things, that "temporary refuge will be given to all asylum seekers."

"It sets an extremely unfortunate precedent when an agreement is entered into one moment and repudiated at the next moment," said Eric Morris, UNHCR representative for Malaysia.

Some of the Vietnamese boats are being intercepted on the water and turned away, informed sources say. But many who reach Malaysian soil are not permitted to enter a UNHCR camp, but rather are detained in remote coastal areas for periods ranging from several days to several weeks before they are pushed back.

Malaysian officials at first denied that pushbacks were taking place, but in an interview with the BBC, Prime Minister Mahathir Mohamad acknowledged a "slight shift" in policy. "I'll admit that in the past, because of the assurances that these people will be resettled, we have allowed them to come in as easily as possible," Mahathir said. "But now we find that people are not giving that assurance, and our own people are beginning to get agitated... because of the need to give asylum to these Vietnamese boat people. We have no place for them."

1988 Signals Sharp Increase in Boat Arrivals in Malaysia For nearly a decade, Malaysia had maintained a stable policy toward Vietnamese boat people, granting

temporary asylum to more than 250,000, and offering permanent resettlement to 7,000 Cambodian and Vietnamese Muslims. Resettlement countries, particularly the United States, had responded in kind, and from 1980 to 1987, the total refugee population never rose much above 10,000.

But after a seven-year decline in arrivals and in camp populations, boat flows increased, from 8,016 in 1987 to 13,316 in 1988, then 16,710 in 1989. At the end of December, Vietnamese asylum seekers in three camps--Pulau Bidong, Sungei Besi, and Marang--numbered 20,475, according to the Joint Voluntary Agency Representative (JVA) in Malaysia. Of these, 12,407 arrived after a March 14 cut-off date imposed by Malaysia and the other members of the Association of Southeast Asian Nations.

The 8,068 Vietnamese who arrived before the cut-off date have been accorded automatic refugee status by UNHCR and are allowed to apply for resettlement in other countries. In 1989, 10,894 Vietnamese were resettled overseas, with 5,526 going to the United States.

The post-cut-off arrivals, on the other hand, must first undergo screening by Malaysian officials, and only if they are screened in will they be allowed to apply for resettlement. Under the terms of the "Comprehensive Plan of Action" drafted in Geneva last June, the screened-out are expected to return to Vietnam.

As of mid-January, only about 300 new arrivals had been screened, and no results had been announced. Screening is conducted in Marang camp by Task Force VII, a military group that is directed by the Prime Minister's office.

Within the pre-cut-off population, recently consolidated in Sungei Besi camp, about 500 people remain to be interviewed by the U.S. Immigration and Naturalization Service (INS) for refugee status, according to JVA. INS denial rates, which have averaged between 20 and 30 percent in recent years in Malaysia, were up to about 60 percent in December.

When U.S. refugee processing of pre-cut-off Vietnamese is completed, sources told Refugee Reports, INS will offer humanitarian parole status to up to 1,000 Vietnamese in Malaysia who previously were rejected for admission as refugees, but who have family in the United States. After that, INS refugee interviews will be conducted only with post-cut-off screened-in cases.

CALIFORNIA, MASSACHUSETTS REPORTS FIND IMMIGRATION LAW LEADS TO JOB DISCRIMINATION

The California Fair Employment and Housing Commission released a report on January 11 charging a "widespread pattern and practice of discrimination...based on national origin and citizenship status" in California as a result of the federal Immigration Reform and Control Act of 1986 (IRCA).

Confusion and misinformation about the new law's requirements, as well as employers' fear of sanctions for hiring undocumented aliens, have been factors contributing to widespread discrimination, according to the report.

The report is based on testimony before three public hearings of the Commission, appointed by Governor George Deukmejian. The Immigration and Naturalization Service's (INS) "undue and disproportionate emphasis on enforcement of IRCA's sanctions provisions and its scant attention to the anti-discrimination protections" undermined the success of the new immigration law, said the Commission. It found that INS's training and outreach efforts have been "inadequate, and, in certain ins ances, have led directly to discriminatory practices."

The Commission found INS public education materials to be incomplete and confusing. The INS I-9 Employer Handbook, for example, fails to list or identify many documents that constitute legally acceptable proof of work authorization.

At his January 30 press conference, INS Commissioner Gene McNary said that the findings of the report were "based on testimony of those with a preconceived notion to testify against IRCA."

McNary added, "I have doubts you can prove IRCA leads to discrimination." He said that discrimination exists with or without IRCA, "so you can't prove whether they would have been discriminated against had there not been employer sanctions."

McNary did say that IRCA could be improved and could use "fine tuning on discrimination."

Survey Shows Extensive Discrimination in San Francisco The appendix to the California Fair Employment Commission report contains the report of a survey of 450 randomly selected employers in San Francisco by the Public Research Institute of San Francisco State University and the Coalition for Immigrant and Refugee Rights and Services. The survey found 97 percent of the businesses sampled to engage regularly in one or more discriminatory business practices under IRCA or other anti-discrimination laws. Half of the employers interviewed said that they thought that INS's documentation requirements made it riskier to hire people who speak limited English. A large proportion felt it riskier to hire Latinos (40 percent) and Asians (39 percent). (See chart, page 16.)

Massachusetts Study Shows Employer Discrimination A separate study conducted by Jennifer L. Gordon of Centro Presente in Cambridge, Massachusetts, based on interviews with more than 100 employers and more than 1,000 Central Americans in the Boston area, found that employers are discriminating against job applicants and workers in their attempts to comply with IRCA. Therefore, the report found, with fewer job opportunities, Central Americans are "willing to accept substandard working conditions and wages, created exactly the kind of easily exploitable 'underclass' that IRCA was allegedly designed to eliminate."

The Centro Presente report includes quotes from employers giving voice to discriminatory practices. Said one manufacturer, "Oh, yeah, after this law we stopped hiring the Haitians and stuck to the Portuguese. I figure the Portuguese are safe, but who knows about the Haitians?"

About 20 percent of employers flatly told Centro Presente that they do not comply with the law at all. "You know damn well if I went downstairs to my workers with these forms no one would show up for work tomorrow," said one food processing plant owner.

Many of those who thought they were complying, were commonly confused about INS forms and documentation requirements. In two cases at two different hotels, a Salvadoran man and a Guatemalan were fired after they showed valid INS I-94 work permits. When shown the proper form by Centro Presente, the hotel employer said, "I've never seen one of those before, and I don't want to get in trouble. I'm just playing it safe."

For others, "playing it safe" means even more blatent discrimination. A food preparation manager said, "This law is for immigrants, but what is an immigrant anyway? Is a Polack an immigrant? What about an Italian? If they come from England, they're not an immigrant, are they?"

Resources

VIDEO SERIES HELPS REFUGEES ADJUST TO LIFE IN AMERICA

Immediately after escaping from their countries, many refugees face treacherous travel, the threat of attack, illness, and deep uncertainty. Many see their friends and family members killed. Once in America, they are expected to adapt quickly to our land, our food, language, and culture.

To help ease this transition, Pacific Standard Television of Portland, Oregon, has made available a series of eighteen educational programs in fifteen languages. These videotapes, along with supplementary curriculum materials, address difficulties newly arrived refugees often face. Fifteen of the series are for refugee audiences themselves, and the remaining three are cross-cultural programs for police and court officials, and for the general public.

The law-related topics for refugees include: Adjustment to a New Way of Life; Introduction to American Law; Here to Help: The Police in America; Good Neighbors; Family Law in America; Motor Vehicles and the Law; and Fishing, Hunting, and Firearms.

Tapes for refugees on socio-cultural topics include: Refugee Youth in America; Introduction to American Public Schools; Refugee Women in America; Understanding Health Care Services; Understanding House and Apartment Rental in America; How to Avoid Crime in America; Understanding Financial Services; and Living in a Consumer Society.

Cross-cultural tapes for use by those who work with refugees include: In a Strange Land: Police and the Southeast Asian Refugee; Culture, Class, and the Law

in America; and Cultural Diversity: Meeting the Challenge.

All of the video programs for refugee use are available in English, Vietnamese, Khmer, Laotian, Hmong, Mien, Korean, Russian, Polish, Romanian, Tigrinian, Amharic, Dari, Farsi, and Spanish.

Each program costs $52.00, plus $5.00 shipping and handling. Each package contains a program video in your choice of language; student tests and worksheets in English; presenter's guidebook; and suggestions for activities and discussions. A free preview tape (in English) is available. For orders or information, contact Newcomers to America, PST Video Products, P.O. Box 339, Portland, Oregon 97207-0339. (800) 776-1610.

VIDEOTAPE TRACES SUCCESS OF DALLAS POLICE REFUGEE STOREFRONT

Four thousand refugees live in the east Dallas neighborhood served by a unique storefront office run by the Dallas Police Department. Local officials and refugees alike see the storefront as the reason that every kind of crime in the area--from robberies to murders--has declined in the last few years (see Refugee Reports, Vol. VII, No. 8).

The story of this groundbreaking outreach program is now available on videotape, "The Gift of Rice: The Dallas Police Refugee Storefront."

The crux of the problem, says Dallas Police Sergeant Dan Bell, who works in the storefront, is to redefine the meaning of police for Southeast Asian refugees. "In their societies, the police were an extension of oppressive military regimes," he says. "The refugees had a natural reluctance to trust any police officer, and they brought that distrust with them. We have to teach them that we are not an occupying army. We're here to help them."

That help comes in many forms, not all the traditional role of a police station. While the city picks up the costs of salaries, local foundations pay rent on the building. Scout troops and mutual assistance associations meet in the building. Sponsoring agencies make the storefront one of their first stops in introducing new refugees to sources of help. Volunteers collect and distribute clothes and food.

Corporal Ron Cowart, who runs the program, thinks an important key to resolving distrust lies in the three public service officers (PSOs)--Lao, Cambodian, and Vietnamese--who, as unarmed, uniformed police, walk the beat in the neighborhoods, keeping the level of communication high, and teaching Southeast Asians that it is safe to report crimes committed against them.

The video, produced by the Office of Refugee Resettlement and the Dallas Police Department, is available for use by organizations interested in learning about the Dallas program. For further information, contact Corporal Ron Cowart, 1500 Marilla, Room 7A North, City Hall, Dallas, Texas 75201. (214) 670-4384.

DIRECTORY OF REFUGEE AND IMMIGRATION AGENCIES AVAILABLE

Detailed information on more than 1,000 local, regional, and national organizations concerned with refugees and immigrants can now be found in a new directory produced by the Denali Press.

Refugee and Immigrant Resource Directory: 1990-1991 lists agencies by state with cross references by type of services provided, clientele, and religious affiliation. Current names and addresses of INS offices and the Executive Office of Immigration Review are also included. The directory also features key documents and statistics, chronologies (from Refugee Reports) and a glossary, as well as an essay by Rep. Stephen J. Solarz (D-N.Y.).

To order the 350-page directory, send $37.50, plus $2.50 for shipping, to the Denali Press, P.O. Box 021535, Juneau, AK 99802-1535. (907) 586-6014.

THE WORLD REFUGEE SURVEY--1989 IN REVIEW

Refugee Reports subscribers will soon be receiving a free copy of the U.S. Committee for Refugees' World Refugee Survey, the authoritative annual report on the conditions of the world's refugees. To order more, send $8 for single copies, $6 for 10 or more, to the U.S. Committee for Refugees, 1025 Vermont Ave., NW, #920, Washington, DC 20005. (202) 347-3507.

U.S. REFUGEE AND ASYLUM PROGRAMS AND POLICIES: A 1989 CHRONOLOGY

The following is a chronology of U.S. program, policy, and legislative decisions affecting refugees and asylum seekers during 1989. The listing is taken from articles that appeared during the year in Refugee Reports.

January 9: U.S. District Judge Filemon Vela issues a temporary restraining order halting the Immigration and Naturalization Service (INS) policy of preventing onward travel for asylum seekers. The order frees hundreds of Central Americans to move from Harlingen, Texas, near the Mexican border to cities of their choice farther inside the country.

February 20: Judge Vela lifts temporary restraining order. INS announces it has begun to implement a plan "to stem the flow of frivolous asylum claims filed by aliens seeking to stay in the United States."

The plan is intended to bring about quick determinations of affirmative asylum claims; to detain asylum seekers in the south Texas area; and to begin prompt deportation proceedings for those denied asylum.

March 10: Affirmative asylum applications in Harlingen drop to zero. Tents are constructed in INS detention facilities to accommodate overflow of undocumented aliens apprehended in the Lower Rio Grande Valley. The Red Cross sets up a "soft-detention" facility for women and children in Brownsville.

March 14: Secretary of State Baker announces that the State Department is seeking $100 million in supplemental funding for the resettlement of additional numbers of Jews and other refugees from the Soviet Union in FY 89.

March 30: The General Accounting Office issues its findings on INS processing of Soviet refugee applicants. It reports a U.S. denial rate in Rome of 11 percent in January, 19 percent in February, and rising to 36 percent in March. Overall, 61 percent of applicants in Moscow have been denied so far in FY 89.

March 30: A federal appeals court upholds the convictions of eight people in the Tucson sanctuary trial on charges of conspiracy and harboring and transporting undocumented aliens. The court rules that the religious beliefs of the eight are not relevant to their defense.

May 1: U.S. District Judge David Kenyon issues a preliminary injunction against INS requiring that Salvadorans be advised of their rights before being deported. Kenyon says that INS has violated his previous order from the Orantes-Hernandez class-action suit requiring that Salvadorans be informed of their rights to be represented by an attorney and to apply for political asylum.

May 15: The U.S. government resumes deportations of Nicaraguans, after a seven-month period in which none had been deported.

May 24: House passes a $3.7 billion Dire Emergency Supplemental Appropriations bill that provides $85 million for refugee admissions and another $15 million for refugee relief and assistance overseas in FY 89.

The $85 million covers overseas processing and admissions costs for 22,500 additional refugees, as well as providing full federal funding to 6,000 existing admissions spots that had previously been semi-funded. Of the 28,500 additional numbers, 24,500 are allocated to the Soviet Union.

May 31: The INS completes a final review of more than 10,000 Cambodians in Khao I Dang who previously had been denied resettlement in the United States. INS overturned about 24 percent of its original denials.

June 6: Attorney General Thornburgh directs the INS to extend for up to one year the visas of Chinese citizens currently in the United States.

June 14: At a two-day International Conference on Indochinese refugees in Geneva, the U.S. and other nations agree on a plan

of action aimed at curbing the exodus of asylum seekers from Vietnam, and promoting voluntary repatriation back to Vietnam.

July 13: A compromise legal immigration bill that would increase the number of professional and skilled immigrants to the United States passes the Senate.

July 31: The U.S. government and the Socialist Republic of Vietnam announce the signing of a draft agreement to permit the legal emigration of released reeducation camp prisoners and their close family members.

September 11: U.S. District Judge Robert Peckham rejects government arguments to dismiss American Baptist Churches v. Thornburgh, a lawsuit charging the U.S. with discriminatory treatment against Salvadoran and Guatemalan asylum seekers.

September 15: The Administration unveils plans to terminate the Rome/Vienna pipeline of Soviet emigration and to begin all refugee processing out of the U.S. embassy in Moscow.

It also requested 50,000 refugee places for the Soviet Union in FY 90, within a total worldwide admissions ceiling of 125,000. The FY 90 budget request falls $58 million short of covering the requested admissions.

September 28: U.S. District Judge David Kenyon once again finds the INS to be in violation of his injunction in the Orantes-Hernandez class-action suit requiring it to inform Salvadorans in INS detention of their right to apply for asylum and to provide them with access to attorneys, lists of free legal services, legal rights materials, pencils and paper, and telephones.

October 25: A bill that would provide temporary safe haven for Nicaraguans, Salvadorans, and Chinese nationals in the United States passes the House of Representatives.

November 3: Ambassador Princeton Lyman, director of the State Department's Bureau for Refugee Programs, predicts that asylum approval rates for Eastern European applicants will decline in the coming year due to improved human rights conditions in that region.

November 6: U.S. District Judge William P. Gray rules that immigration judges violate the constitutional rights of non-English speaking aliens in immigration proceedings by failing to translate the entire proceedings into the alien's language.

November 21: President Bush signs into law the Foreign Operations Appropriations Act, allocating $370 to the State Department for migration and refugee assistance programs and an additional $50 million for refugee emergencies.

It contains provisions that require the Attorney General to establish categories of people from the Soviet Union, Vietnam, Laos, and Cambodia "who share common characteristics that identify them as targets of persecution" for purposes of U.S. resettlement.

November 21: President Bush signs into law the Labor/HHS/Education Appropriations Act. The Act allocates $13.5 million less than was available for ORR resettlement programs in FY 89, despite the fact that the admissions ceiling has increased from 116,500 to 125,000.

November 22: The State Department announces that the United States will no longer register Polish and Hungarian refugee applicants in Western Europe for U.S. refugee resettlement and that the United States will only interview for admission Polish and Hungarian applicants who have already registered for resettlement and who have close family ties to the United States.

November 30: President Bush vetoes legislation that would have permitted Chinese students now in the United States to adjust to permanent resident status without first returning to China for two years, as is generally required by J-1 visas.

Bush also announces that he has instructed Attorney General Dick Thornburgh "to take the steps necessary to extend administratively to all Chinese students in the United States the same benefits that H.R. 2712 would have extended."

PERCEPTIONS OF RISK IN HIRING UNDER IRCA BY FIRM SIZE
A Survey of San Francisco Businesses

"Do you think the INS's documentation requirements make it riskier to hire any of the following groups of people? I'll read you a list: (a) people who speak limited English (b) Latinos (c) Asians."

	HOW MANY EMPLOYEES					
Riskier-Hire Employee	4-15	16-40	41-100	101-250	250+	TOTAL
Limited English?	60% (103)	47% (46)	39% (21)	36% (12)	27% (7)	50% (N=381)
Latinos?	50% (87)	35% (35)	26% (14)	35% (12)	20% (5)	40% (N=385)
Asians?	50% (87)	36% (36)	24% (13)	29% (10)	24% (4)	39% (N=387)

Source: Employment and Hiring Practices under the Immigration Reform and Control Act of 1986: A Survey of San Francisco Businesses. A preliminary report produced by the Public Research Institute of the San Francisco State University and the Coalition for Immigrant and Refugee Rights and Services.

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